

Application No.: 10/045,964
Amendment and Response to October 19, 2006 Non-Final Office Action

REMARKS

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Claims 1 – 15 and 17 - 19 are in the application. Claims 1 – 3, 7 – 10, 13, 17, and 18 are currently amended; claim 16 is canceled; and claims 4 – 6, 11, 12, 14, 15, and 19 remain unchanged from the original versions thereof. Claims 1, 10, 17, and 18 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith.

Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 102

Claims 1, 10, 16 -18, and 19 were rejected under 35 U.S.C. 102(a) as being anticipated by Rosen, U.S. Patent No. 5,774,553A. This rejection is respectfully traversed.

Regarding claims 1, 10, 16 - 18, and 19, Applicant notes that these are the pending independent claims and that claim 16 is canceled. Accordingly, the rejection of claim 16 is therefore moot.

Claim 1 relates to a method for performing a netting analysis of a netting agreement including receiving netting agreement information, the netting agreement information identifying a party and a counterparty; comparing the netting agreement information with a netting rule; and generating a netting determination indicative of a usefulness of the netting agreement based at least in part on a result of said comparing. Claim 17, like claim 1, relates to generating a netting determination for the netting agreement based at least in part on a result of a comparison. Claims 10 and 18 relate to generating a netting determination based at least in part on an application of the netting rule.

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Thus, it is clear that each of Applicant's independent claims relate to analyzing a netting agreement and generating a netting determination regarding the usefulness of the netting agreement. The Specification's discussion of FIG. 9 details an exemplary process of the claimed invention according to the application. Applicant respectfully submits that the generated netting determination may provide an entity (user, corporation, etc.) a determination of whether a netting agreement is useful to the entity.

In contrast to the pending claims, the cited and relied upon Rosen discloses a system and method of implementing settlement aspects of a foreign exchange system. (See Abstract, as well as the specific cites note in the Office Action) That is, Rosen discloses implementing and/or executing a settlement system. Rosen's implementation and/or executing of the settlement system is not the same as the claimed generating of a netting determination for a netting agreement.

Applicant further notes that a settlement position or amount is not the same as the claimed netting determination that provides an indication of the usefulness of a netting agreement. Again, Rosen relates to the execution of a foreign exchange system whereas Applicant's claims relate to evaluating the netting agreement.

Therefore, it is clear that Rosen does not disclose each and every element as claimed by Applicant. Thus, Rosen does not anticipate claims 1, 10, 17, and 18 under 35 USC 102(b).

Claim Rejections – 35 USC § 103

Claims 2 - 3 and 7 - 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen and Shulman et al. U.S. Publication No. 2002/0152147A1. This rejection is traversed.

Inasmuch as Rosen does not disclose all of that for which it was cited and relied upon for disclosing, Applicant respectfully submits that the combination of Rosen and Shulman does not correct the failings of Rosen. That is, the combination of Rosen and Shulman does not render claims 2 - 3 and 7 - 8 obvious.

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Claims 4 - 6 and 14 - 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen and McKeon, U.S. Patent No. 5,926,552. This rejection is traversed.

Rosen does not disclose all of that for which it was cited and relied upon for disclosing, as shown above. Applicant therefore respectfully submits that the combination of Rosen and McKeon does not correct the failings of Rosen. That is, the combination of Rosen and McKeon does not render claims 4 - 6 and 14 - 15 - 8 obvious.

Claims 9 and 11 - 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen and McKeon in view of claims 1 and 6 and Cotton et al. U.S. Patent No. 6,076,074A.

Since Rosen does not disclose all of that for which it was cited and relied upon for disclosing, Applicant respectfully submits that the combination of Rosen, McKeon, and Cotton does not correct the failings of Rosen. That is, the combination of Rosen, Shulman, and Cotton does not render claims 9 and 11 - 13 obvious.

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CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,



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Date